

REMARKS

This application was unintentionally abandoned. A Petition to Revive the application accompanies this Amendment. Granting of the Petition to Revive is respectfully requested.

Reconsideration of this application is also respectfully requested.

Claims 1-35 and 59 were rejected for non-statutory double patenting based on U.S. Patent 6,117,391 which is commonly owned with this application. Applicants hereby submit a Terminal Disclaimer to overcome the double patenting rejection.

Claims 1, 3, 8 and 14 were rejected for under 35 USC §102(b) as being anticipated by U.S. Patent 5,067,308 to Ward. In addition, claim 15 was rejected under 35 USC §103(a) as being unpatentable over Ward. The remaining claims 2, 4-7, 9-13, 16-35 and 59 are understood to be allowable or to contain allowable subject matter.

Prior to discussing Ward it may be helpful to discuss some of the novel concepts and structure of the present invention.

Applicants show a cup dispenser mechanism 40 in Figs. 3 and 4 for holding a stack of cups 10 (Fig. 1) or 12 (Fig. 1B). The cup dispenser mechanism 40 dispenses one cup at a time and includes escapement housing 73 (Figs. 3 and 4) with an escapement 75.

Referring to Figs. 7 and 8 a disk member 80 of the escapement housing 73 includes a top leaf 85 and a bottom leaf 90. Both the top leaf 85 and the bottom leaf 90 are fixedly attached to upper and lower faces of the disk member 80. The disk member 80 also includes an aperture 83 (Fig. 7) having opposite side edges that are curved and opposite upper and lower edges that are straight. As most clearly shown in Fig. 7, each of the leaf members 85 and 90 include curved inner edges that project into the aperture 83.

Figs. 10-13 show four different positions of the disk member 80 in the escapement housing 73 to illustrate the manner in which an individual cup 10a in a stack of cups, is released from the escapement housing 73.

Referring to Fig. 10, the disk member 80 is positioned to support a stack of cups within the escapement housing 73 by engagement of the bottom leaf 90 against a cup flange 25 of the lower-most cup 10a. The top leaf member 85 does not engage the stack of cups.

Referring to Fig. 11, the disk member 80 is shifted toward the left and the top leaf member 85, being fixedly attached to the top side of the disk member 80, moves with the disk member 80 into the groove 35 of a cup 10b that nests in the cup 10a. The bottom leaf member 90, which is fixedly attached to the bottom side of the disk member 80, moves with the disk member 80 toward the periphery of the cup flange 25 of the cup 10a.

Referring to Fig. 12, further movement of the disk member 80 toward the left also moves the bottom leaf 90 out of engagement with the cup flange 25 of the bottom cup 10a. Thus the bottom cup 10a can drop freely of the escapement housing 73 as shown most clearly in Fig. 13. The top leaf 85 moves with the disk member 80 into engagement with the top flange 30 of the overlying cup 10b to prevent the cup 10b from falling with the cup 10a.

Applicant thus provides a relatively simple escapement 75 wherein the disk member 80, the top leaf 85 and the bottom leaf 90 form an integral structure that moves in unison to permit dispensation of one cup at a time from a stack of cups within the escapement housing 73.

Ward shows a mechanism for individual dispensing of nested containers. Ward provides a dispenser 10 (Figs. 1 and 2) with a fixed platform 26 having an opening 28 (Fig. 2). A pair of oppositely disposed sliding plates 30 and 32 (Fig. 2) are provided at upper and lower sides of the platform 26 and a pair of oppositely disposed sliding support plates 50 and 52 (Figs. 2 and 6) are provided at opposite sides of the platform 26. Each of the sliding plates 30, 32, 50 and 52 are individually movable by respective actuators 38, 40, 54 and 56.

Ward describes a sequential movement operation of the sliding plates 30, 32, 50 and 52 at column 4, line 49 to column 5, line 65 that permits individual dispensation of containers 12 from a stack as shown in Figs. 1 and 5

to a receptacle opening 16 in a carrier plate 18.

A significant difference between the dispenser structure of Ward and the dispenser structure of applicants is that Ward requires individual actuated movement of each of four sliding plates 30, 32, 50 and 52 relative to the aperture 28 in order to selectively interfere with the flanges of lowermost container 12 and the flange of the next upper container 12 in a stack 14 (Figs. 1 and 5). Applicants' structure employs the simple integral structure of disk member 80, the top leaf 85 and the bottom leaf 90.

Applicants have amended claim 1 to more clearly define the escapement as including

“...a disk having...a first leaf fixedly attached to the top side of said disk and a second leaf fixedly attached to the bottom side of said disk.”

It is submitted that claim 1, as amended, is patentably distinguishable over Ward and any of the other references of record whether considered individually or in combination. Allowance of claim 1 is thus respectfully requested.

Dependent claims 3, 8, 14 and 15 which were previously rejected by the examiner, are also submitted to be patentably distinguishable over Ward for their dependency on claim 1 and for the distinctions defined therein.

The remaining claims 2, 4-7, 9-13, 16-35 and 59 were not rejected on the basis of prior art, but were rejected on the basis of double patenting. Applicants' terminal disclaimer submitted herein is believed to obviate the double patenting rejection.

Accordingly it is submitted that claims 1-35 and 59 are allowable and allowance thereof is respectfully requested.

In view of the foregoing remarks and amendments it is submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

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